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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,646	07/18/2006	Guido Muesch	PHIDE030119US	2630
38107 7590 06/09/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P. O. Box 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER CHAKOUR, ISSAM				
ART UNIT 2617		PAPER NUMBER		
MAIL DATE 06/09/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/552,646	Applicant(s) MUESCH ET AL.
Examiner ISSAM CHAKOUR	Art Unit 2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2-17.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617

/I. C./
Examiner, Art Unit 2617

Continuation of 11, does NOT place the application in condition for allowance because:

Regarding claims 9 and 11, the Applicant submitted that Khair et al in view of Borchardt does not teach or fairly discloses the limitations of claims 9 and 11 as claimed by the applicant. The examiner as submitted in the office action dated March, 18th, 2009, and respectfully disagrees by elaborating that in fact Khair does teach an allocation unit for allocating network elements to a wireless network, the wireless elements are the bio-sensor which are to be added to the base-unit which is part of the network and has administrative function and allocating functions, the base-unit comprises a transmitter which transmits in a user controlled manner in Khair's instance by means of the user interface unit (element 61, in figure 4) which herein interpreted by the examiner as the allocating unit, since it enables the user to input the allocating function to the base-station. In Khair's instance, the user interface is comprised in the base-station and differ from what the applicant have attempted to disclose, different such that the allocating unit is a separate entity that communicate wirelessly with the second network element or the base-unit, however, the examiner have provided Borchardt's reference to showcase the obviousness of having the rational and motive to implement such interface with a remote control unit that transmit user input wireless or remotely by the user from said remote control unit or allocating unit. It is noted that the examiner provided Borchardt's reference only to eliminate the doubt that in fact the remote control has been disclosed as a prior art such that a function is transmitted wirelessly in different modes, RF and IR mode of transmission. Furthermore, Borchardt disclosure was presented solely for the purpose of highlighting that an ordinary person in the art has the ability and the grasp to implement the allocating unit activation function in a remote control unit such that it causes the bio-sensors to deliver their ID once it is desired by the user to add said bio-sensors to the base-station network or an existing network established by the base-station, the remote control would enable the base-station to be in a receiving mode as disclosed by Khair after synchronization and allocation steps. note that while the base-unit of Khair assigns an ID to a first network element, the first network elements responds to the allocation with transmitting back the ID that was assigned to the base-unit as in claims 9 and 11 (See [0015], lines 14-18). It is noted that, the ID assigned is an encoded ID that contains a electrode ID and a code or random number (See [0077] lines 6- 13). The applicant only asserts that Khair in view Borchardt does not teach claims 9 and 11, and does not provide reasons as to why applied combination could not be interpreted as such to anticipate the claim. Therefore, it is submitted that Khair's disclosure in view of Borchardt anticipates claims 9 and 11 as stated in the previous office action. For the same reason explained above, claims 4 and 15 are similar in terms of limitations to claim 9 and therefore is anticipated as stated in the previous office action. Dependent claims from 4, 9, and 15 inherit the deficiency of their independent claims and therefore are not in condition for allowance at least for the reason stated above and are anticipated as previously presented.